

## **Minutes for Zoning Board of Adjustment May 25, 2006 – 7:00 P.M.**

### **Roll Call**

Present for the hearing were Chairman Landers, Martin (alternate); Tower-Pierce, Hoffman, and Aseltine. Michele Braun was present as the Clerk. Public present were Steven Hatch, Andrew Fish, Matthew Fordham, and Bradford Denny.

### **Approval of Minutes**

A motion to approve the minutes as presented for the April 27, 2006 Hearing was made by Aseltine and seconded by Tower-Pierce. **The motion passed 4-0-0.** (Martin was not yet present.)

The Hearing was begun at 7:09 PM.

Chairman Landers stated the following:

1. All meetings of the Board of Adjustment shall be open to the Public.
2. The Officers of the Board of Adjustment may administer oaths to the witnesses.
3. All witnesses will be “Interested Persons” to the appellant. “Interested Persons” are owners of property abutting that of the appellant.
4. All testimony by “Interested Persons” and materials shall be germane to any issue under appeal.
5. All Hearings shall be open to the public and the rules of evidence at such hearings shall be the same as set forth in Title 3§810.
  - a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in superior courts of this state shall be followed.
6. The Board of Adjustment shall render its decisions, which shall include “Findings of Facts”.

### **Hearing 042706-1: Matthew Fordham, 35 Thrush Lane**

Mr. Fordham is requesting a Variance from Section 605 to construct an addition closer to the center of the road than the minimum setback.

The proposed addition is to a non-conforming building, but follows an existing plane of the building, and does not cause the building to be closer to the road than presently. Fordham owns the property on both sides of the road, which is a town road, but serves as access to this property only.

A motion to approve the Variance was made by Aseltine and seconded by Martin. **The motion passed 5-0-0.**

### **Hearing 042706-2: David MacDougall, 152 Terrace Drive**

Mr. MacDougall is requesting a Variance from section 605 to construct a porch closer to the center of the road than the minimum setback.

This request was heard and approved at the April 27, 2006 ZBA meeting, but the abutting landowners had not been notified, so the decision was made to rehear the matter.

The building is non-conforming, but this porch replaces an existing porch, and does not expand the non-conformance.

A motion to approve the Variance was made by Aseltine and seconded by Hoffman. **The motion passed 5-0-0.**

**Hearing 042706-3: Brad Denny, 19 Overlook Drive**

Mr. Denny is requesting a Variance from section 601 to construct structures (Berlin Pond Road Property Subdivisions) closer to the center of the road than the minimum setback.

Mr. Denny presented engineering plans to demonstrate that building sites on three parcels were constrained by wetlands, a utility right-of-way, and approved septic locations such that a 40'x50' building would require a variance from the front setback requirement. Mr. Denny was seeking to provide potential purchasers/builders with variances to assure them that they would be able to build a 40'x50' house on each parcel.

No building permit applications have been submitted for these parcels. It is possible that actual construction would result in different septic design and/or locations, different building sizes and/or sites.

Tower-Pierce moved to conclude that no action is necessary; the request is premature. Aseltine seconded the motion. **The motion passed 5-0-0.**

**Hearing 052506-4: Judy Campbell, 288 Wall Street**

Ms. Campbell is requesting a Variance from Section 701 to construct a garage closer to the minimum setback requirements.

Adjacent landowners, Jack & Thelma Baroffio, object to the construction of the garage closer to their property. Ms. Campbell has adequate space to construct the garage on her own property without requiring a variance.

A motion to deny the Variance was made by Aseltine and seconded by Martin. **The motion passed 4-0-0.** (Tower-Pierce was no longer present.)

The hearings were closed at 9:00 PM.

**Adjournment:**

The motion to adjourn was made by Landers.

These minutes are subject to approval at the next regular meeting; however, they are substantially correct.